

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2020 - \_\_\_\_ - E**

In Re:	)	
	)	
Petition of Georgia Power Company for	)	PETITION FOR DECLARATORY ORDER
Declaratory Order Finding that a Certificate	)	FINDING A CERTIFICATE OF
of Environmental Compatibility and Public	)	ENVIRONMENTAL COMPATIBILITY
Convenience and Necessity is not Required	)	AND PUBLIC CONVENIENCE AND
	)	NECESSITY IS NOT REQUIRED IN THIS
or, in the Alternative,	)	MATTER, OR, IN THE ALTERNATIVE,
	)	APPLICATION FOR CERTIFICATE OF
Application for a Certificate of	)	ENVIRONMENTAL COMPATIBILITY
Environmental Compatibility and Public	)	AND PUBLIC CONVENIENCE AND
Convenience and Necessity for the	)	NECESSITY
Construction and Operation of Georgia	)	
Power's South Carolina portion of the	)	
Graniteville – South Augusta 230 kV Tie	)	
Line and Associated Facilities.	)	

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**PETITION FOR DECLARATORY RELIEF**

**I. INTRODUCTION**

Georgia Power Company (“Georgia Power”), a subsidiary of Southern Company, hereby petitions the Public Service Commission of South Carolina (“Commission”) for a Declaratory Order<sup>1</sup> finding that Georgia Power’s portion of a 230 kV transmission line, known as the Graniteville #2 – South Augusta Tie Line which interconnects with a previously approved 230 kV line of Dominion Energy South Carolina, Inc. (“DESC”) f/k/a South Carolina Electric & Gas Company (“SCE&G”) <sup>2</sup> and replaces a pre-existing 115 kV transmission line owned by Georgia

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<sup>1</sup> This petition for a declaratory order is made pursuant to S.C. Code Ann. Regs. 103-825(A)(2).

<sup>2</sup> See Order No. 2017-689 dated November 2, 2017 and issued in Docket No. 2017-221-E which granted SCE&G (n/k/a DESC) a Certificate of Environmental Compatibility and Public

Power, does not require the Commission to issue a Certificate of Environmental Compatibility and Public Convenience and Necessity (“Certificate”) due to the unique and limited impact to the property of the state of South Carolina by the replacement transmission line and single transmission structure at issue in this matter and because the replacement line and structure are essentially “like facilities” which do not “constitute the construction of a major utility facility.” *See* S.C. Code Ann. § 58-33-110(1).

## II. FACTS

1. Georgia Power is the largest subsidiary of Southern Company, a publicly traded corporation listed on the New York Stock Exchange, duly organized and existing under the laws of the State of Georgia, with its principal offices at 241 Ralph McGill Boulevard in Atlanta, Georgia. The Company is engaged in, among other things, the business of generating, transmitting, delivering and providing electricity to public and private energy users for compensation in certain portions of the state of Georgia. It does not provide electric energy services to customers in South Carolina and the facilities at issue in this matter are not intended to be used by Georgia Power to provide energy services to South Carolina electric energy consumers.

2. In the 1950s, Georgia Power constructed two 115 kV transmission lines for the purpose of interconnecting its transmission system with SCE&G’s transmission system on the property of SCE&G’s Urquhart Generating Station. These interconnection points between the transmission systems of neighboring electric energy companies enhance reliability and efficient operations on both companies’ systems and serve to enhance the nationwide transmission grid system.

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Convenience and Necessity for the construction and operation of two (2) 230 kV transmission lines and associated facilities including DESC’s much greater portion (approximately 18.1 miles) within South Carolina of the Graniteville – South Augusta Tie Line.

3. These lines were efficiently operated for decades providing a safe, effective, and mutually beneficial interconnection point between the transmission systems of Georgia Power and SCE&G at the Urquhart Generating Station. Then on August 18, 2008 the decision was made to deenergize the then two 115 kV lines because SCE&G needed additional space in its Urquhart Substation. The deenergizing decision was temporary as the companies ultimately planned for new and upgraded replacement facilities for the interconnection.

4. On December 14, 2016, SCE&G and Georgia Power agreed upon new and upgraded facilities to replace the existing out of service lines and interconnect the two transmission systems at Urquhart Generating Station.<sup>3</sup> These replacement facilities are critical to the operations of both companies and needed to ensure compliance with the North American Electric Reliability Corporation (“NERC”) Transmission Planning Standards and each company’s own Long Range Planning Criteria. Further, the interconnected facilities reestablish additional electric paths between the DESC and Georgia Power electrical transmission systems which are needed to maintain the level of service, operational flexibility and reliability required and desired by both companies.

5. Georgia Power’s construction of its portion of the 230 kV transmission line,<sup>4</sup> known as the Graniteville #2 – South Augusta Tie Line, as well as its supporting tower on the South Carolina side of the Savannah River, is complete.

6. Although the line has not yet been energized, Georgia Power currently plans to

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<sup>3</sup> This agreement was memorialized in a Memorandum of Understanding by and between Georgia Power and SCE&G, as well as several additional power companies, dated December 14, 2016. Although this document provides a completion date of June 1, 2019, this date was subsequently revised to June 1, 2020.

<sup>4</sup> Georgia Power also replaced a second, parallel 115 kV line in conjunction with its installation of the 230 kV line at issue in this matter; however, the replacement was also a 115 kV line which clearly does not invoke S.C. Code Ann. §§ 58-33-10, *et seq.*

energize the line by early May of 2020 for testing and thereafter for commencement of commercial operations on June 1, 2020.

7. Georgia Power's portion of the Graniteville #2 – South Augusta Tie Line, which replaces a pre-existing 115 kV line in approximately the same location, spans the Savannah River from Georgia Power's South Augusta Substation to a structure supporting the 230 kV transmission line on the South Carolina bank of the Savannah River where the line interconnects with DESC's 230 kV line at said structure, all within the boundaries of DESC's Urquhart Generating Station in Aiken County, South Carolina.

8. The primary impact to South Carolina property for the 230 kV line is the supporting tower which sits entirely within the property of DESC's Urquhart Generating Station and the above ground line that spans the Savannah River from the state boundary line within the river to the supporting transmission tower (a total of approximately 606 feet from the centerline of the Savannah River with only approximately 215 feet crossing over land)<sup>5</sup>. The photographs attached as **Exhibit 1** depict the supporting transmission tower, the Georgia Power line spanning the Savannah River, and the interconnection point with the DESC transmission line. The Crossing Plan for the Graniteville #2 – South Augusta Tie Line is attached as **Exhibit 2**.

9. DESC's Urquhart Generating Station has been in operation for many years, first as a coal plant that was retired and converted to a 650 MW natural gas plant in 2012-2013. It is a contained facility completely surrounded by a fence and gate which remains locked at all times. Thus, Urquhart Station, including the 230 kV line and supporting structure, are inaccessible to the public. Therefore, there is no public access to the 230 kV line at issue, which transverses the

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<sup>5</sup> Much of the land that is being spanned on the South Carolina bank of the Savannah River is within the flood way or flood plain of the river.

Savannah River approximately one hundred and seventy (170) feet above the river, or the structure supporting the line.

10. Further, the United States Army Corps of Engineers (“USACE”), Charleston District, has verified that the replacement of two existing 115 kV transmission lines with one 115 kV line and one 230 kV line, which is the line at issue in this filing, results in “minimal individual and cumulative adverse environmental effects and is not contrary to the public interest,” and also meets the terms and conditions of the Nationwide Permit 3 Maintenance. *See* letter dated June 3, 2019 of Brice McKoy, Chief, Northwest Branch of USACE, Charleston District attached as **Exhibit 3**.

11. Georgia Power also requests that the Commission take judicial notice of its file re: South Carolina Electric & Gas Company Application for Certificate of Environmental Compatibility and Environmental Study in Docket No. 2017-221-E and specifically the prefiled direct testimony of Nathan V. Bass and his Exhibit No. \_\_\_\_ (NVB-1) attached to his testimony in said docket and entitled “Transmission Line Siting and Environmental Report” dated August 2017 and prepared by the Facilities Planning & Siting Division of UC Synergetic, LLC. The testimony and report, among other findings, make clear that there is no adverse impact of an environmental nature on the property of Urquhart Generating Station from the construction of the 230 kV lines and associated facilities.

12. In this limited instance, the Commission should not require a Certificate due to the unique circumstances at issue in this matter. Although S.C. Code Ann. § 58-33-20(2)(b) defines a “major utility facility” as “an electric transmission line and associated facilities of a designed operating voltage of one hundred twenty-five kilovolts or more,” the distinctive circumstances here, including a finding by the USACE that the replacement facilities will have minimal impact

and are not contrary to the public interest, justify a finding that the replacement facilities are “like” facilities. As discussed herein, the power line at issue, a 230 kV transmission tie line, simply replaces a pre-existing 115 kV line in the same location within an existing right-of-way, spanning the Savannah River from Georgia Power’s South Augusta Substation to a structure supporting the line on the South Carolina bank of the Savannah River inside the boundaries of DESC’s Urquhart Generating Station, a contained facility which is inaccessible to the public. In this very limited factual setting and based upon the findings of the USACE that there are “minimal” environmental impacts, Georgia Power respectfully request that, under the provisions of S.C. Code Ann. § 58-33-110(1), the Commission, in an appropriate and judicious use of its statutory discretionary authority,<sup>6</sup> find that the replacement of the existing 115 kV line with a 230 kV line where the impact to South Carolina property is so minimal, and certainly no more impactful than the previous facilities, is essentially a “like facility” and not the construction of a major utility facility.

### **III. CONCLUSION AND DECLARATORY RELIEF SOUGHT**

Accordingly, for the foregoing reasons, Georgia Power maintains that, under the unique circumstances in this matter, this particular 230 kV transmission tie line does not constitute construction of major facilities for which a Certificate would be required under the Utility Facility Siting and Environmental Protection Act (“the Siting Act”), S.C. Code Ann. §§ 58-33-10 – 170 (Supp. 2013), and thus hereby respectfully prays for a declaratory order of the Commission finding that no Certificate is required under the limited and factually unique circumstances as described herein.

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<sup>6</sup> S.C. Code Ann. § 58-33-110(1) provides that “[t]he replacement of an existing facility with a like facility, as determined by the commission, shall not constitute construction of a major utility facility” (emphasis added).

**APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC CONVENIENCE AND NECESSITY**

Nevertheless, should the Commission deny Georgia Power's Petition for a Declaratory Order and thus require a Certificate for the portion of the Graniteville #2 – South Augusta 230 kV transmission line and supporting structure owned by Georgia Power within the boundaries of South Carolina, this document is also Georgia Power's Application filed pursuant to the provisions of S.C. Code Ann. § 58-33-10, *et seq.* and 10 S.C. Code Ann. Regs. 103-304 respectfully requesting the issuance of a Certificate for the construction and operation of Georgia Power's portion of the Graniteville #2 – South Augusta 230 kV transmission line and associated facilities. All of the previously asserted factual information in the Petition for Declaratory Order is incorporated herein by this reference. In further support of the Application, Georgia Power would respectfully show unto this Honorable Commission as follows:

**13. Applicant.** As previously stated, Georgia Power is the largest subsidiary of Southern Company, a publicly traded corporation listed on the New York Stock Exchange, duly organized and existing under the laws of the State of Georgia, with its principal offices at 241 Ralph McGill Boulevard in Atlanta, Georgia. The Company is engaged in, among other things, the business of generating, transmitting, delivering and providing electricity to public and private energy users for compensation in certain portions of the state of Georgia. It does not provide electric energy services to customers in South Carolina.

**14. Project Description.**

NAME OF LINE:	Graniteville #2 – South Augusta Tie Line
EXTENDING FROM:	A transmission structure located on land on the South Carolina bank of the Savannah River and within the fenced-in property of DESC's Urquhart Generating Station

TO: Georgia Power's South Augusta Substation on Dan Bowles Road in Augusta, Georgia

ESTIMATED LENGTH: Georgia Power in Georgia: 5.1 miles  
 Georgia Power in South Carolina: 606' from centerline of Savannah River in South Carolina (Approximately 215' on land in South Carolina)  
 DESC interconnecting 230 kV tie line extends from the interconnection structure for approximately 18.1 miles to Graniteville No. 1 Substation in Aiken County in South Carolina.

WIDTH OF RIGHT-OF-WAY: 100 to 160 FEET

DESIGN VOLTAGE: 230 kV

CONDUCTOR: 2 bundle 1351 54/19 ACSR Martin

NORMAL CAPACITY: 3000 Amps

CONFIGURATION: Double Dead End (Georgia Power on west side/DESC on the east side)

TYPES OF STRUCTURES: Single Pole Steel (230kV Line)

ESTIMATED NOMINAL HEIGHT: 170 FEET

AREAS IN WHICH FACILITIES ARE TO BE LOCATED IN SOUTH CAROLINA:

COUNTIES: Aiken County

MUNICIPALITIES: None

NAMES OF NATIONAL OR STATE PARKS OR FORESTS DIRECTLY AFFECTED OR THE NEAREST FACILITY: None are directly affected.

MAJOR WATERWAYS: Savannah River

MAJOR HIGHWAYS: None

**15. Need and Necessity.** The Graniteville #2 – South Augusta 230 kV Tie Line is necessary to maintain reliability of multiple, critical transmission facilities for Georgia Power and DESC by preventing heavy loading on the interface between Georgia Power and DESC facilities. Further, the interconnection permits the flow of power to be more reliably and evenly distributed. The 230 kV tie line, coupled with Georgia Power's parallel 115 kV tie line, also will increase the transfer capacity for utilities interconnected to DESC's and Georgia Power's electrical



transmission systems. Finally, the 230 kV transmission tie line and associated facilities are critical to the operational integrity of Georgia Power's system and needed to ensure that Georgia Power remains in compliance with the NERC Transmission Planning Standards as well as Georgia Power's own Long Range Planning Criteria.

**16. Environmental and Cultural Resources Assessment.** Georgia Power prepared and filed with the USACE a Pre-Construction Notification ("PCN") for the 230 kV tie line at issue in this matter. A copy of that filing is attached hereto and incorporated herein by this reference as **Exhibit 4**. The PCN reports, among other things, the following:

- a) There will be no impacts to the waters of the United States.
- b) No habitat for any of the species listed for Aiken County by the U.S. Fish and Wildlife Service Information, Planning and Conservation System ("IPaC") occurs within the project limits, and there is no impact on the identified endangered species of the shortnose sturgeon or the Atlantic sturgeon.
- c) A survey by Brockington and Associates determined that no cultural resources were identified in the area of potential effect.
- d) The transmission line itself spans the Savannah River at an elevation of approximately 170 feet and its supporting structure on the South Carolina side of the river has been built on upland and outside of any Special Flood Hazard Areas of the Savannah River.

Further, in its filing in Commission Docket No. 2017-221-E, heretofore referenced in paragraph 11, SCE&G contracted for the preparation of a "Transmission Line Siting and Environmental Report for the Graniteville-South Augusta 230 kV Tie Line and the Urquhart-Graniteville #2 230 kV Line and Associated Facilities," ("Environmental Report") dated April 2017 (and updated in August 2017) by the Facilities Planning & Siting Division of UC Synergetic, LLC. Based on the

report and the testimony of its author, Nathan V. Bass, the proposed lines and associated facilities will have no significant environmental impacts to vegetation, wildlife, threatened or engendered species, jurisdictional wetlands, streams, designated floodplains, or floodways, and given the probability of the absence of significant impacts of the proposed lines and associated facilities, the impact upon the environment is justified. Moreover, the Environmental Report found that the upgrade of the existing lines will have no adverse effects on archaeological or historic resources, and that the lines will have low visual effect due in part to (1) the placement within the existing, transmission line right-of-way and (2) the fact that the lines are simply replacements and upgrades of existing lines.

**17. Conformance with State and Local Law.** Georgia Power's 230 kV line will conform to all applicable state and local laws and regulations issued thereunder, including any allowable variance provisions therein.

**18. Like Facility Determination.** In support of its Petition for Declaratory Order, Georgia Power respectfully requests that the Commission make a determination, as authorized by S.C. Code Ann. § 58-33-110(1), that the rebuild of Georgia Power's portion of the existing 115 kV line to a 230 kV line constitutes "the replacement of an existing facility with a like facility, as determined by the Commission," and that, therefore, based on that finding, a Certificate is not required as the replacement does not constitute construction of a major utility facility.

**19. Proof of Service.** Pursuant to S.C. Code Ann. § 58-33-120(2), **Exhibit 5**, attached hereto and made a part hereof, is proof of service that a copy of this Application has been served on the South Carolina Office of Regulatory Staff and the head of each state and local government agency<sup>7</sup> charged with the duty of protecting the environment or of planning land use in the area in the county in which any portion of the transmission line is to be located.

**20. Public Notice.** There are no municipalities impacted by the 230 kV line or associated facilities. Thus, no notice is required to be published in any newspaper. *See* S.C. Code Ann. § 58-33-120(3) (“Each application also must be accompanied by proof that public notice was given to persons residing in the municipalities entitled to receive notice under subsection (2) of this section....”). Notwithstanding this lack of publication requirement, Georgia Power nevertheless has decided to voluntarily publish a public notice without waiving its right to assert that no notice is required to be published. Attached hereto as **Exhibit 6** and made a part hereof is a copy of the public notice to be made by publication setting forth a summary of the Application, the date on which it was filed, and the newspaper of general circulation in which such notice is to be published. This notice is being voluntarily published substantially to inform any persons in municipalities that may be nearby of the filing of this Application, even though none of the facilities are located within a South Carolina municipality. An affidavit of publication from the *Aiken Standard* will be filed with the Commission once received.

**21. Correspondence or Communications.** The name, title, address and telephone number of the persons to whom correspondence or communications relating to the Application should be addressed are as follows:

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<sup>7</sup> The Application was not served on the chief executive of a municipality because Georgia Power’s line and associated facilities are not located in any municipality in South Carolina. *See* S.C. Code Ann. § 58-33-120(2).

Mitchell Willoughby, Esquire  
 ElizabethAnn L. Carroll, Esquire  
 Andrew R. Hand, Esquire  
**Willoughby & Hoefer, P.A.**  
 Post Office Box 8416  
 Columbia, South Carolina 29202  
 Telephone: 803-252-3300  
 Facsimile: 803-256-8062  
 mwilloughby@willoughbyhoefer.com  
 ecarroll@willoughbyhoefer.com  
 ahand@willoughbyhoefer.com

WHEREFORE, Georgia Power Company respectfully requests that the Commission (i) issue a declaratory order that no Certificate is required under the factual circumstances at issue in this matter and pursuant to the discretionary authority granted to the Commission by S.C. Code Ann. § 58-33-110(1); (ii) or in the alternative, issue a Certificate of Environmental Compatibility and Public Convenience and Necessity for the construction and operation of the 230 kV tie line and associated facilities as described herein; and (iii) and for such other and further relief as is just and proper.

Respectfully submitted,

s/Mitchell Willoughby  
 Mitchell Willoughby (SC Bar No. 6161)  
 ElizabethAnn L. Carroll (SC Bar No. 7046)  
 Andrew R. Hand (SC Bar No. 101633)  
**WILLOUGHBY & HOEFER, P.A.**  
 930 Richland Street  
 Post Office Box 8416 (29202)  
 Columbia, SC 29201  
 (803) 252-3300  
 mwilloughby@willoughbyhoefer.com  
 ecarroll@willoughbyhoefer.com  
 ahand@willoughbyhoefer.com

*Attorneys for Petitioner/Applicant Georgia  
 Power Company*

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 Columbia, South Carolina